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June 1, 2023

## MEMO ENDORSED.

### VIA ECF

The Honorable Ona T. Wang  
United States District Court  
500 Pearl Street, Courtroom 20D  
New York, NY 10007-1312

Re: *The Sanborn Library LLC. v. ERIS Information Inc., et al.*, 1:19-cv-02049-JHR-OTW

Dear Judge Wang:

We represent Plaintiff/Counterclaim-Defendants The Sanborn Library LLC and Environmental Data Resources, LLC (collectively, "EDR"). As the Court is aware, EDR is scheduled to file its combined opposition to ERIS' motion for summary judgment and related cross-motion on June 8, 2023 (the "Opposition"). Consistent with the sealing procedures requested by ERIS and authorized by the Court in conjunction with ERIS' opening submission (*see* ECF 226), EDR respectfully makes this reciprocal request for leave (1) to file all Opposition materials (excluding exhibits) provisionally under seal by ECF; (2) in lieu of filing exhibits by ECF, to provide the Court with one or more flash or hard drives containing all Opposition materials (including exhibits); and (3) to formally file its motion to seal confidential information and publicly file any remaining materials by no later than Monday, July 10, 2023. EDR has conferred with counsel for ERIS who consents to this request.

As grounds for this provisional request, EDR anticipates that a portion of its Opposition materials will contain information designated as Confidential or Highly Confidential - Outside Counsel's Eyes Only pursuant to the Amended Protective Order (ECF No. 96), and that compelling reasons will warrant keeping such information under seal. *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir. 2006); *Bernstein v. Bernstein Litowitz Berger & Grossman LLP*, 814 F.3d 132 (2d Cir. 2016). However, due to the sheer volume and file sizes of the materials along with the high risk of logistical and technical difficulties, EDR respectfully submits that it would not be efficient to file these materials on ECF contemporaneously with a formal motion to seal. This procedure will also afford the parties an opportunity to confer regarding the need to seal any confidential or highly confidential documents, and provide appropriate explanations for the Court.

We thank the Court for its consideration. **Application GRANTED.**

**SO ORDERED.**

Respectfully submitted,

/s/ Joshua S. Wolkoff

Joshua S. Wolkoff

A handwritten signature in blue ink, appearing to read "Ona T. Wang".

Ona T. Wang  
U.S.M.J.

6/2/23